



COLUMBIA RIVER INTER-TRIBAL FISH COMMISSION

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John Inai
Administrator
EPA Region 10, RA-140
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Dear Mr. Inai:

The Columbia River Inter-Tribal Fish Commission (CRITFC), on behalf of its member tribes¹, has serious concerns about EPA's ongoing process to establish Total Maximum Dissolved Loads (TMDLs) for temperature and total dissolved gas in the mainstem Columbia and Snake Rivers. Three key shortcomings of the process include:

- Lack of adequate monitoring systems at mainstem dams and reservoirs to gather baseline data necessary for modeling and to assess and verify the ability of measures to meet water quality standards.
- Failure to expedite critical system configuration changes in the federal and FERC-licensed dams to bring the Basin hydrosystem into compliance with the Clean Water Act and promote restoration of treaty trust resources.
- Failure of EPA to adequately consult with tribes at the government-to-government level on the process.

Water quality in the Columbia and Snake mainstem continues to be seriously degraded by the operation and configuration of the hydrosystem. For example, this year's low flows for salmon migrations and poor water quality were exacerbated by BPA, the Corps of Engineers and the Bureau of Reclamation's deliberate decisions to store water and avoid spill at mainstem dams. For days at a time, millions of juvenile salmon were removed from the river and held in dam screen and transportation systems at temperatures 2-5 degrees F over water quality standards. While we told the hydrosystem operators to spill the salmon back in the river, which was cooler than the dam bypass systems, we were not supported in these recommendations by either EPA or the state water quality agencies.

¹ Nez Perce Tribe, Confederated Tribes of the Umatilla Indian Reservation, Yakama Nation and the Confederated Tribes of the Warm Springs Reservation of Oregon



We have concerns that EPA has chosen to delegate formation of the total dissolved gas TMDL standards to the state water quality agencies. The current draft technical paper from Oregon DEQ indicates that the TMDLs will be met by reducing or even eliminating fish spill, which is critical for protecting and restoring salmon- the beneficial use under the Clean Water Act. Instead, the focus should be to require the federal and FERC- licensed hydro operators to secure funding necessary to expedite structural modifications to abate dissolved gas, which will allow spill for salmon passage while meeting water quality standards 365 days a year. There are other issues that we believe that EPA has not supported:

- CRITFC's regional recommendations for expedited gas abatement structures at Grand Coulee, Bonneville and other "hot spots" in the hydrosystem. For example, at meetings of the System Configuration Group, which deliberates on priorities for the Corps of Engineers' capital construction program, EPA has not supported expedited gas abatement structures as the highest program priority.
- Expansion of the total dissolved gas monitoring network in the Columbia and Snake Rivers to obtain more detailed and accurate data to establish a baseline and determine improvements as structural measures, such as spillway deflectors, are implemented.

With respect to mainstem water temperature, CRITFC and member tribes have made specific recommendations at EPA's regional temperature workshops in the late 1990's on specific actions that should be taken by the EPA and/or the hydro operators. These include:

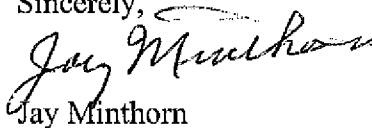
- Install comprehensive monitoring systems ² in the entire Snake and Columbia Rivers with electronic accessibility. This data is critical for inventory and assessment and to model baseline conditions and improvements. EPA should fund this system or require that the hydro operators fund the system.
- Prioritize monitoring and compliance of temperature standards at fish concentration points in the hydrosystem including but not limited to fishways and bypass and transportation facilities.
- Include total dissolved gas in the upper Snake and Hells Canyon Reach the mainstem TMDL process.
- Examine the potential for cool water withdrawal using low level, multiport outlets in the Hells Canyon Complex and Grand Coulee Dam.

² The Lower Snake River tri-level thermograph system (Karr et al. 1998) and the McNary Dam temperature system (Hoffarth 2000) should be used as models.

- Implement adult fishway structural modifications to selectively introduce cool water into areas of the fishway where thermal hot spots exist. These modifications should be among the highest priority for funding in the Corps of Engineers' capital construction program.
- Establish a schedule for compliance with water temperature standards for each specific component of the hydrosystem. The hydro operators should be accountable in meeting the schedule.

While we understand that EPA is bound by the TMDL process, we remain concerned that the time commitment of this extensive process is causing EPA and the region to lose focus on actions necessary to move the hydrosystem into compliance with mainstem water quality standards. We have concerns that this process will only result in delays in meeting water quality standards and delays in restoring treaty trust resources. Actions to reconfigure the hydrosystem to meet water quality standards will be costly and take much time to plan and seek appropriations and/or other funding to implement them. These actions should not be postponed until the TMDL process has come to a lengthy conclusion.

In summary, CRITFC requests that EPA, in coordination with the state water quality agencies, 1) adequately consult with tribal governments on the TMDL process, 2) work with CRITFC and its member tribes to assure that comprehensive water quality monitoring systems are established in the Columbia Basin hydrosystem³, 3) support CRITFC and its member tribes in assuring that actions will be expedited for funding water quality structural measures at dams and, 4) assure that regulatory authorities are utilized that require operational measures to bring the hydrosystem into compliance with mainstem water quality standards while protecting salmon and other anadromous fish. Government-to-government consultations should be expedited and the TMDL process should not proceed without them. Should you have technical questions regarding these comments, please contact Bob Heinith or Cat Black at (503) 238-0667.

Sincerely,

 Jay Minthorn
 Chairman

cc: Tom Fitzsimmons, Washington Department of Ecology
 Stephanie Hallock, Oregon Department of Environmental Quality
 Karl Dreher, Idaho Department of Water Resources

³ CRITFC has developed a detailed temperature monitoring proposal and will send it to EPA staff.

References

- Hoffarth, P. 2000. Thermal gradients, collection and mortality at the McNary Project, 1999. To Walla Walla District, Corps of Engineers. By Washington Department of Fish and Wildlife, Umatilla, Oregon.
- Karr, M.H., J.K. Fryer and P.R. Mundy. 1998. Snake River Water Temperature Control Project. Phase II. Methods for managing and monitoring water temperatures in relation to salmon in the Lower Snake River. Columbia River Inter-Tribal Fish Commission. Portland, Oregon.